

Governance and Ethics Committee

22 October 2021

Report title	Changes to the Constitution	
Cabinet Member with lead responsibility	Councillor Paula Brookfield Cabinet Member for Governance and Equalities	
Wards affected	All Wards	
Accountable director	David Pattison, Chief Operating Officer	
Originating service	Democratic Services	
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Report to be considered by	Council	3 November 2021

Recommendations for decision:

The Governance and Ethics Committee recommends that Council:

1. Approves the amendments to the Constitution as detailed in this report.
2. Authorises the Monitoring Officer to implement the changes.

1.0 Purpose

- 1.1 This report outlines the changes made to the constitution for approval by the Council. It is recommended that the Council agrees to the amendments to the Council's Constitution to ensure continuing lawfulness and effectiveness.

2.0 Background

- 2.1 The Governance and Ethics Committee regularly receives reports seeking to update the Constitution where it is necessary, the last such report was on 9 July 2021.
- 2.2 The changes being brought forward are following a full review of the Constitution.
- 2.3 The Constitution has been reviewed in totality and remodelled based on the model produced for local authorities by a national firm of solicitors, Bond Dickinson model. This is to ensure the constitution is clear and concise and that the decision-making processes can be followed by all.
- 2.4 Only those parts of the constitution listed below are amended, the other parts will remain unchanged.
- 2.5 This is the third of a series of reports – there will be additional reports brought forwards to review the other parts of the constitution. This is an ongoing process and important that this takes place as and when the changes are needed and does not wait for the annual review.

3.0 Changes to the Constitution

- 3.1 The table below details the Articles/Sections to be changed:

Section	Proposed	Rationale
Part 4 – Full Council Procedure Rules	To ensure that points of order are taken at the time and not at the end of the councillor speaking.	It became clear at the last meeting that points of order need to be able to be made when a councillor is speaking as otherwise this may inadvertently allow a point of order to have been breached, eg ensuring compliance with the time limit.
	To update the protocol for tied votes to remove the references to named individuals	To ensure that the reference is up-to-date.

4.0 Financial implications

4.1 There are no financial implications arising from the proposed amendments to the Constitution. [GE/1210201/F]

5.0 Legal implications

5.1 The Council is required by Section 37 of the Local Government Act 2000 to prepare and publish a Constitution which contains its standing orders relating to decision-making, finance and contracts. The Council is also required to keep its Constitution updated. The Director of Governance is authorised under the constitution to make amendments which more accurately reflect legislative and organisational changes. This report ensures that the Council meets its duties. [SZ/12102021/P]

6.0 Equalities implications

6.1 The Council must, in the exercise of its functions, have due regard to the need to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.2 The Constitution seeks to ensure that, in its decision-making and its operations, the Council fully complies with the public-sector equality duty.

7.0 Any other implications

7.1 There are no other implications arising from recommendations in this report.

8.0 Schedule of background papers

8.1 Changes to the Constitution, Governance Committee, 9 July 2021

9.0 Appendices

9.1 None